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SPRECKELS

MISTAKES OF THE LOCAL GOVERNMENT BOARD

and of other "Authorities" in Poor Law Administration;

BEING

A MEMORANDUM LAID BEFORE THE POOR LAW COMMISSION.

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J. THEODORE DODD, M.A.,
Barrister-at-Law; a Guardian and Councillor of the City of Oxford.

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PREFACE.

In the year 1906 I gave evidence before the Poor Law Commission, which will no doubt be published with their Report. Quite recently, I forwarded to the Commission the following Memorandum, but found that I had sent it too late for publication as part of their Proceedings. I am therefore publishing it independently; and am glad to be able to do so before the winter, as it is really essential, both for saving the lives of the Poor and protecting the health of the Nation, that the present Poor Law should be fully and faithfully carried out until better provision for the needs of the Poor and for the health of the Nation is made. The mistake of telling Guardians that their duty is only to relieve "the destitute," instead of giving relief to the impotent poor—which of course includes the sick poor who need it (see page 2)—is I believe inherited from the old Poor Law Board; and the result is all the worse because the error is of such long-standing.

In consequence of this deceptive phrascology many Guardians are quite ignorant of their legal duties. Many of the Poor are equally ignorant of the right to relief which the Law gives them. This ignorance on both sides is, I think, one of the causes of the Starvation Deaths in the richest City of the World[1], and of infinite damage to the Poor all over the kingdom.

As to the surcharges for relief (see pp. 3, 4, 12); the Nation has great cause to thank Mr. John Burns and his Auditors for detecting the frauds of a few Guardians, and the great extravagance, of others *in connection with Contracts and Contractors;* but the well-meaning Auditors, in their new-born zeal, have done much mischief in making surcharges, and trying to make surcharges, for *relief given to the Poor.*

I wish to call special attention to the words of Sir Matthew Hale, Sir William Blackstone, and Sir George Nicholls (see pp. 2, 6-9, 11). Our English Social System has been placed on ancient and strong foundations. Our English Law has strong claims on the obedience of the people both rich and poor. It is surely the extreme of folly for the well-to-do classes to allow the foundations to be weakened by defective administration of that Law.

The remedies I suggest are exceedingly simple:—

1. Let the Law Officers of the Crown, or of the Local Government Board, draw up a correct statement of the Law; let this be sent to the Local Government Board Officials and to the Boards of Guardians and placed on sale.
2. In all our Towns where there is distress, or any difficulty in obtaining relief, let Committees be formed for assisting the Poor who need and are entitled to relief to obtain it[2].

By these means lives may be saved, and disease and destitution and social discontent diminished.

J. THEODORE DODD.

Oct. 23, 1908.

[1] See "Return of the number of Deaths in the Administrative County of London in the year 1907, upon which a Coroner's Jury has returned a verdict of Death from Starvation or Death accelerated by Privation" (Wyman and Sons, Ltd.). Shoreditch was the worst in 1907, thus taking the place of Whitechapel Union.

[2] For some practical suggestions to those who are desirous of assisting the necessitous poor to obtain relief I would refer to an article of mine in the *Commonwealth* (Wells Gardner, 3 Paternoster Buildings, E.C.) (3*d.*) for March, 1908, p. 86.

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MEMORANDUM.

By J. THEODORE DODD, M.A., *Barrister-at-Law, a Guardian and Councillor of the City of Oxford.*

THE object of this Memorandum is to show briefly how in some most important points the Law has not been carried out, and that *one* of the causes of the failure of the Poor Law in London and some other parts of England is the defective administration; and that this again has been partly caused by ignorance of the Poor Law, and of its objects, and consequently of the spirit in which it should be administered.

I have spoken of this defective administration in my evidence and the appendices thereto; but in some respects the defects have come out more clearly since that date, in consequence of the surcharges by the Poor Law Auditors as to relief given by Guardians and relieving officers, and their well-meant endeavours to teach the Guardians how and when they should *not* relieve the poor who are seeking relief. Also I have been able to put the "Law" and the "Administration" of the Law in parallel columns, so as more graphically to exhibit the contrast.

The Paper is divided as follows:—

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I. RELIEF OF THE IMPOTENT POOR.

The Poor Law[1].

1. The Guardians of the poor shall give "NECESSARY RELIEF" to the lame, impotent, old, blind, and others who are "POOR" and unable to work; Poor Relief Act, 1601, Sect. 1; Poor Law Amendment Act, 1834; *Merthyr Tydvil Case*, L.R. (1900), Ch. 516, Court of Appeal[2].

[1] Of course, under the head of "Poor Law" I include not only the Statutes as explained by the Courts of Law, but the Orders of the Local Government Board made under their Statutory powers.

[2] In this case it was held that "The class of persons entitled to relief are still (notwithstanding subsequent legislation) the same as those mentioned in Section 1 of the Act of 43 Eliz. c. 2," i.e. the Act of 1601.

The Poor Law Administration.

1. The Local Government Board has altered the Law by consistently declaring, in their official documents, that the only persons who should be relieved are the "DESTITUTE," and sometimes the "ACTUALLY DESTITUTE."

The Auditors surcharge because relief has been given (in their opinion) to persons not "DESTITUTE"; and the Local Government Board has upheld the surcharge, although its attention has been pointedly called to the deviation from the Law. See Letter from myself to Local Government Board forwarded herewith.

Sir Matthew Hale, in his Discourse mentioned below (p. 7), evidently does not limit the right to relief to starving persons. In discussing employment of the able-bodied poor, he proposes that "reasonable wages" should be given, and argues that by this means there would be a refuge for the poor from Masters who underpaid them (pp. 18, 19). In other words, he considered the provision of work by the State on reasonable terms would abolish or reduce "sweating." It is quite clear that he did not consider that a man's life must be in danger before he was entitled to relief by being set to work. And it is equally clear that the law did not contemplate better or earlier treatment of the able-bodied than of the impotent poor. It must be remembered that the same classes of persons are entitled to relief now as under the Statute of Elizabeth (*Merthyr Tydvil Case*).

Sir William Chance defines destitution as follows:—

"A person may be considered destitute who has not the means of procuring the necessities of bare existence, and whose life may be endangered in consequence[1]."

This explanation of "destitution" excludes many from the "necessary relief of the poor" which the Acts of Parliament require the Guardians to give. It is no wonder that many starve to death under the poor law administration, notwithstanding the effective provisions made by the Poor Law, which says not a word about "bare existence" or "danger to life."

[1] The Better Administration of the Poor Law, 1895, p. 53. "The best dictionaries define 'destitution' as 'being without resources,' 'being in extreme poverty,' and 'utter want.'" (Poor Law Officers' Journal, May 8th, 1908.) These definitions show clearly that the Local Government Board has not substituted an equivalent for the Statutory phrase, but used one indicating more acute poverty.

In my evidence before the Poor Law Commission I have spoken of the great difference that the use of the word "destitute" makes to practical administration. It can, however, be only appreciated by those who have been present at a Board of Guardians where some of the members desire to refuse out-relief as much as possible. If it is found impossible to refuse relief on the ground of character, or other "specific reason," it is argued either that he is not destitute, or that he is so destitute that the only thing to do, in kindness to the applicant himself, is to offer the House.

(2) By law, the Guardians are bound to "hear" and consider any application for relief which may be then made at their meeting, and determine thereon (General Consolidated Order, 24th July, 1847, Art. 41 (4) Macmorran, p. 63). Also they are bound to give all necessary directions as to applications for relief in cases reported to them by the Relieving Officer (Art. 41 (3), p. 61).

They are bound to exercise their own judgment in the matter, subject to the ordinary courts of law; and would not be justified in refusing relief which they deemed necessary merely because they feared the Auditor might surcharge.

(2) The Local Government Board has altered this by making the Auditors judges (some months after the application) whether relief ought to have been given, or whether too much has been given. I believe the Auditors do not see or hear the persons who sought relief. Of course the decision of the Auditor that A.B. was not entitled to relief on a certain day practically prevents the Relieving Officer from subsequently relieving A.B. under the same circumstances; so that A.B. is cut off relief without being heard by the person who really decides his case.

(3) By law, the only question for the Guardians is whether the *person* is old or impotent, &c., and needs relief. Nothing is said, in the Acts of Parliament, which give the right to relief, as to the income of other persons living in the same house as the Applicant. His condition is the only question. The Statutes no more authorize the Guardians to refuse relief to a necessitous aged person on the ground that if all the incomes in the house were divided he would not be necessitous, than they authorize them to refuse it on the ground that if all the ages of the persons in the house were divided he would not be old; or if all the strength were divided he would not be impotent.

(3) The Local Government Board has altered the law by confirming and approving the action of its Auditors, who have held persons disentitled to relief because there is, in the opinion of the Auditors, sufficient income "going into the house" to support all the inmates, including the impotent or aged person who is unable to work and needs relief.

(4) By Law, when the Guardians give out-relief they are bound to give enough to cover rent or lodging *if necessary*, though they must not pay the rent directly to the landlord themselves. See 43 Eliz. c. 2, s. 1, p. 2 above, and Instructional Letter of Poor Law Board, 21st Dec. 1844, cited in Macmorran's Poor Law Orders, p. 33, which explains Art. V. of the so-called Prohibitory Order[1]. (Poor Law Annual, 1907-8, p. 115.)

(5) By the Poor Relief Act, 1601, section 7, "the father and grandfather, and the mother and grandmother, and the children[2] of every poor, old, blind, lame, and impotent person not able to work, being of a sufficient ability, shall at their own charges relieve and maintain every such poor person in that manner and according to that rate as shall be assessed by the Justices."

[1] This Article forbids the Guardians to pay rent to the Landlord direct. Formerly individual Guardians used to let their wretched cottages to the Board.

[2] A wife is now responsible for the maintenance of her husband, and a step-father for his step-children, in some cases, but this does not affect the question.

(4) Guardians frequently do not give enough relief to cover rent, being under the mistaken belief that they have no right to do so. This misapprehension appears in a Minute of Mr. Goschen when President of the Poor Law Board, which is cited (without correction or explanation) in the Guardians' Guide, p. 191. A passage in Sir William Chance's book, "Our Treatment of the Poor," p. 23, also suggests that they have no right to do so. The result is often that either the out-relief is inadequate, or the Guardians offer the house because it would be inadequate if they did not give enough to cover the rent.

(5) The Local Government Board has also greatly altered the law as to maintenance by Relatives. The Local Government Board endeavours to extend this obligation of maintenance to other relatives (e.g. brother, sister, or son-in-law) not liable, who live in the same house. Also the Auditors and the Local Government Board (without, I believe, seeing or hearing either the poor aged person, who needs relief, or the relatives on whom the Local Government Board desires to cast the liability to maintain) decide whether the relatives are able to help him, and thus supersede the Justices. The Justices have to decide on legal evidence and in accordance with law, hearing the parties; but I believe the Local Government Board Auditors do not regard themselves as bound by these rules[1].

[1] For an instance of an Auditor's interference, see p. 12 below.

II. EMPLOYMENT OF THE ABLE-BODIED UNEMPLOYED POOR.

The Poor Law.

By 43 Eliz. c. 2 as amended by 4 & 5 Will. IV. c. 76, the Guardians are bound to set to work "all such persons having no means to maintain them [and] use no ordinary and daily trade of life to get their living by."

The word "and" is in some editions of the Statutes and not in others. The sense however is clear. The Guardians are bound to give employment to the unemployed and those in casual employment who cannot maintain themselves. See *Merthyr Tydvil Case* cited above, p. 2.

The same Statutes require the Guardians to provide the necessary materials for setting the above class of persons to work.

By the Amendment Act of 1834 and the Orders of the Local Government Board made under the powers conferred by that Statute, the Guardians *must* where the Prohibitory Order prevails (subject to certain exceptional cases where other relief may be given) set the able-bodied men to work *in the Workhouse.* In most cases—though even here there are some exceptions — the Guardians satisfy the law if they set the men to work in the Workhouse. *They are however entitled to the Workhouse. This is the national minimum provided.* Where the Out-door relief Regulation Order prevails, i.e. in London and most large towns, the Guardians have the option of giving test labour or offering the "House," but they must do one or the other. Of course in *neither* case are the men entitled to *wages,* only to necessary relief. It should be remembered that it is clear from the judgments of

The Poor Law Administration.

The following extract from the Report of a Poor Law Inspector in the last annual report of the Local Government Board will illustrate the present administration of the Poor Law:—

"There is no more difficult problem in Poor Law than the relief of the able-bodied, a fact which many Urban Boards of Guardians must have appreciated increasingly during the past three years. At the outset I wish to emphasise the point that it is not the duty of the Guardians to find employment for the Unemployed." (Local Government Board Report for 1906-7, page 335.)

This is in flat contradiction to 43 Eliz. c. 2, and though it is to some extent explained by the Inspector's subsequent remarks, it indicates how the Local Government Board has through its Inspectors *deterred* Boards of Guardians from trying to fulfil their statutory obligations, and assisting in solving the problem indicated. (But this will appear more fully in connection with the Guardians' endeavours to deprive the necessitous Unemployed of even their right to the Workhouse relief. See p. 6.)

The Inspector proceeds, however, to discuss the Outdoor Relief Regulation Order, 1852, and the unsatisfactory character of many who apply for the test labour which Guardians in Unions under that Order may lawfully give, and says that the Guardians "have the remedy in their own hands." He says they can offer full relief to those men and their families in the Workhouse, and that "if they refuse this relief the Guardians are legally justified in refus-

the Court of Appeal in the *Merthyr Tydvil Case* that the same class of persons are entitled to work as under the Statute of Elizabeth, and that the Guardians are equally bound to set them on work. It is also clear from the speeches made in Parliament while the Bill of 1834 was passing that it was intended to preserve substantially the rights of the poor under the statute of Elizabeth to relief and employment[1].

Lord Althorp, Chancellor of the Exchequer, said in the House of Commons on May 26, 1834, when asking leave to introduce the Bill which became the Poor Law Amendment Act, 1834:—

"All the rights the poor now possessed were preserved by the present Bill; the object of the Bill was to bring the law back to what it was originally and what it ought to be." (Hansard, col. 1337.)

It will be noticed that the Statutes do not merely relate to the deserving or industrious Unemployed, so that it is no defence to say that a man is drunken or idle[2]. The Guardians are bound to set him to work, and if he will not work they can punish him; but they have no right to turn him out to increase the number of the Unemployed.

Blackstone (Book I. c. 9, p. 349), explains that the one great object of 43 Eliz. c. 2 was to "provide work for such as are able and cannot otherwise get employment." He says this wise regulation of that most salutary statute is shamefully neglected. He strongly condemns the defective administration which allows large numbers to continue idle, dissolute, and unemployed.

[1] It was no doubt intended to cut down the abuses connected with *out-door* relief to the able-bodied and their families (see Section 52, and note the Preamble to that Section), and to alter details.

[2] See Blackstone cited below.

ing any other means of maintenance." (p. 336.)

Of course the Local Government Board Inspector has a right to express his opinion as to test labour, but his statements should be accurate. The Guardians would be still responsible for feeding the children if in need of food. (See Circular annexed to Underfed Children Order, April, 1905[1].)

Surely a caution as to this should have been given to the Guardians—if children are of consequence. Also it should have been pointed out that the men should have medical relief should such become necessary.

The whole passage, however, illustrates the fact that the Local Government Board really discourage the Guardians from employing the Unemployed.

2. But the most serious matter in the Poor Law Administration is that now the able-bodied Unemployed are being refused relief even in the Workhouse itself.

The Local Government Board have *encouraged* the Guardians to deter the Unemployed from coming to the Workhouse, or from returning to the Workhouse; and the Guardians do their best to keep them out, and in some cases give them "task work" with the object of making them go. In some cases the Guardians threaten them with prosecution in case they stop, or in case they return, or the Guardians turn them out. Guardians and their Officers who reduce the number of their able-bodied in the House are praised and considered satisfactory. Apparently the Local Government Board thinks that if the Unemployed are *not* set to work by the Guardians, as directed by law, all must be well.

[1] Poor Law Annual, 1907-8, p. 139.

III. THE OBJECTS AND MOTIVES OF THE POOR LAW.

Poor Law.

The Preamble to 43 Eliz. c. 2 and the other Statutes for the same year declares that they were enacted :—

> "To the high pleasure of Almighty God and the weal publick of the realm."

So Sir Matthew Hale considers duty towards God, and Humanity, as motives for making due provision for the relief of the poor.

Blackstone, speaking of the Poor Law, says that in England "Charity is reduced to a system and interwoven in our very constitution." Book IV. c. 2, p. 30 (32).

The objects and motives and principles of the Poor Law are well set forth by Sir Matthew Hale, and I will therefore give some extracts from his work, which is entitled, "A Discourse touching Provision for the Poor[1]." He says in the Preface :—

"A due care for the Relief of the Poor is an act, 1. of great Piety towards Almighty God, who requires it of us: He hath left the Poor as his Pupils, and the Rich as his Stewards to provide for them."

2. "It is an act of greatest Humanity among men. . . . ."

3. "It is an Act of great Civil Prudence and Political Wisdom: for Poverty in itself is apt to Emasculate the minds of men, or at least it makes men tumultuous and unquiet. Where there are many very Poor, the Rich cannot long or safely continue such; Necessity renders men of Phlegmatick and dull natures stupid and indisciplinable; And men of more fiery or active constitutions rapacious and desperate."

[1] Written by Sir Matthew Hale, late Lord Chief Justice of the King's Bench. Printed London, 1683.

Poor Law Administration.

"The motive of State relief is perfectly selfish, and it is quite right that it should be so." ("The English Poor Laws[1].")

"The aim of legislation is to safeguard the Community; its action is purely selfish, if such a term can be applied to an abstraction like the State. Charity on the other hand is essentially personal, ... its essence is that 'it seeketh not her own,' and it acts from moral motives and for moral ends alone." (Rev. Clement F. Rogers, p. 95[2].) On the previous page Mr. Rogers says :—

"In order to protect itself the State has decided that no one shall be permitted to starve."

The writer of "The English Poor Laws," while admitting there is a right to relief, bases it on an imaginary contract which is not to be found in the Statute Book :—

"Every destitute person has a right to relief, not because his miserable condition gives him a title to it, but because the State, entirely for its own purpose, has made a contract to stand between its citizens and death by starvation[3]."

The following description of the Poor Law was given by Canon Barnett in an article which appeared in the *Westminster Gazette* of Aug. 16, 1905.

After describing the great improvements which have been made in Poor Law Infirmaries and Schools and in

[1] This book was written by a well-known Guardian. This passage has disappeared or been modified in the 3rd edition.

[2] This is one of a series of handbooks for the Clergy.

[3] Page 6. This is a quotation from Mr. Fowle.

Sir Matthew Hale then proceeds to state the deficiencies of provision in England, and the little value of the very severe laws against begging and theft then in force, and adds :—

"So that upon the whole account the prudence of prevention, as it is more Christian, so it will be more effectual than the prudence of remedy : The prevention of poverty, idleness, and a loose and disorderly Education, even of poor Children, would do more good to this Kingdom than all the Gibbets, and Cauterizations, and Whipping Posts, and Jayls in this Kingdom, and would render these kinds of Disciplines less necessary and less frequent."

In a subsequent part of his work Sir Matthew Hale speaks of Poor Law Relief as CHARITY, and says (p. 3) :—

"And although the relief of the Impotent Poor seems to be a Charity of more immediate Exigence, yet the Imployment of the Poor is a Charity of greater Extent, and of very great and important Consequence to the publique Wealth and Peace of the Kingdom, as also to the Benefit and Advantage of the Poor[1]."

[1] It would be going beyond the object of this Memorandum to give a full account of this very interesting treatise of the Lord Chief Justice. It shows that he thoroughly approved of the provisions of 43 Eliz. c. 2 for setting the poor on work. He complains that the Act was not properly carried out, and proposes to group parishes into Unions and then compel the raising of a Stock for setting the poor on work, and to give power to erect a House where the work might be done, i.e. a real Workhouse. He was sanguine enough to expect the work done would pay cost of maintenance of the poor; but considered that if there was a loss still it was better to lose some money in preventing idleness (p. 22). He thought the poor should be paid "reasonable wages" by the parish authorities; and considered that by this means there would be a refuge for the poor from masters who underpaid them, and regular employment (pp. 18, 19, 24). He suggests that a Poor Man and his wife with four children, two able to work and two not, would require 10*s*. a week.

Workhouses, and other beneficial changes, he proceeds as follows :—

"Why, then, can the Poor Law be said to be so out of date as to need a Royal Commission to lay down the lines of its reform?

"The answer is that the Poor Law stands for the theory that a man's poverty is a man's fault. It assumes that any applicant for relief is attempting to impose himself on the rates and is unfit to be trusted. It treats him as if he were a sturdy vagabond desiring to shirk work, and it makes the relief or work it offers as distasteful as possible. Poverty is regarded as a fault for which in some way or other the poor man must be punished so that he and others may not commit a like fault. The consequence is that when the system is brought face to face with the unemployed—who are poor because the conditions of trade have changed—or with the aged, who after a life's hard work have nothing on which to live, it breaks down. . . . .

"The Poor Law is out of date because public opinion has begun to recognise the human in all men, and because a body of honest, well-intentioned poor people have established their claims on public sympathy.

"The Poor Law inclines to treat all applicants as semi-criminals; its critics sometimes make the dangerous mistake of imagining that all are honestly desirous of working."

The first point[1] to be noticed here is that Canon Barnett's description of the Poor Law does not at all resemble the Poor Law of England, but no doubt it represents the Canon's views and experience as to the *administration* of the Poor Law which was familiar to the Canon, who was for so many years a

[1] Canon Barnett makes various suggestions for Reform which are full of interest, but are beyond the scope of this Memorandum.

I add some extracts from Blackstone[1] which show that that high authority takes similar views as to the Poor Law. Blackstone speaks of the Elizabethan Poor Law as humane and beneficial, and adds :—

"the further any subsequent phases for maintaining the poor have departed from this institution, the more impracticable and even pernicious their visionary attempts have proved." (Book IV. c. 33, p. 425, 1st Edit. 1765-9.)

And in another place he says :—

"there is no man so indigent or wretched but he may demand a supply sufficient for all the necessities of life from the more opulent part of the community, by means of the several statutes enacted for the relief of the poor." "And this," he adds, "is a humane provision." (Book I. c. 1, p. 127.)

At a previous page I have shown that the Amendment Act of William IV. did not in the least alter the class of persons entitled to State relief. I now proceed to show that it was not intended that the principles of religion and humanity on which that Statute was founded should be abandoned or weakened, nor was it intended to legislate altogether on the lines of the Political Economy of the day. The statesmen of the day knew the word "destitute," and that a certain School of so-called Poor Law Reformers considered that relief if given at all should only be given to the "destitute"; but they kept the word "poor" in the Act of 1834, and in that Statute used it over and over again. They knew and understood the Political Economy of the day, and they deliberately re-

[1] "Sir William Blackstone, Knt. One of the Justices of His Majesty's Court of Common Pleas."

Guardian of the Whitechapel Union and familiar with Unions under the control of the "Hard School[2]."

The Poor *Law* had never ceased to be human, it did not assume that man's poverty was his fault, &c.

A curious objection to the virtue of kindness appears in the work entitled "The English Poor Laws," p. 7 :—

"It is incorrect for instance to talk about Guardians of the Poor in their official capacity as 'kind' or 'unkind': they may be strict or lax administrators of the Poor Law. You would not describe the decisions of a Judge or a Magistrate on the Bench as 'kind' or 'unkind': they might be legal or illegal. No administrator, whether of Poor Law or any other kind of Law, can be 'kind' or 'unkind' without becoming unjust."

I give a quotation from a paper by a lady Guardian, who is known throughout the length and breadth of the land for her philanthropy and good works. It illustrates how terribly erroneous ideas with regard to Poor Law, and especially when connected with out-relief, have infected many Guardians.

"I have been told of deaths in consequence of unwillingness to apply for relief, the Workhouse objected to, and out-relief refused. But it is hard to believe these statements, and, anyhow, *we*[3] cannot be considered responsible."

It is well known that a large number of deaths are occasioned by the objection of the Poor to Workhouse relief.

[2] I should mention that the Hard School object to that name and say that they should be called the "Strict School," claiming that they administer strict law; but I submit that their administration is, often, not strictly in accordance with law but very far from it.

[3] The italics are in the original.

jected its more strict principles and framed their amending legislation in spite of it.

I will give some extracts from speeches by Lord Althorp during the debates on the Bill which became 4 & 5 Will. IV. c. 76.

Lord Althorp, Chancellor of the Exchequer, in asking leave to bring in the Bill to amend the Poor Laws, said that:—

"The more strict principles of political economy implied that every man should be left to provide his own subsistence by his own labour—that he must know what his family cost—that he also should provide for them; and that he ought to make a provision for the calamities which sickness and misfortune might bring upon him out of his previous savings, such was the doctrine of political economy." (Hansard, April 17, 1834, col. 877.)

Lord Althorp then adds:—

"So long as we were accessible not only to the feelings of religion but to the dictates of humanity we must be convinced that the support of those who were really helpless and really unable to provide for themselves was not only justifiable but a sacred duty imposed on those who had the ability to assist the distressed." (Hansard, April 17, 1834, cols. 877-8.)

He then says it was the abuses not the system itself of the Poor Laws to which he objected, and that for a long period they worked well—he believed till the commencement of the present (19th) century (col. 878)[1].

[1] See also speeches of Lord Winchelsea (Hansard, July 11, 1834, col. 20), and of the Duke of Wellington and the Bishop of London.

The following Epitaph, written by Mr. Albert Pell on himself and put up during his lifetime, well indicates the views of his School:—

"Of long experience as Guardian of the Poor in London and country, he condemned Poor Law relief as inconsistent with real beneficence, and adverse to the best interests of the poor."

[It is hopeless to expect that people who condemn the laws giving relief to the Poor will relieve them properly. Mr. Albert Pell was a most able leader and representative of the "hard" or Workhouse-test School.]

IV. CONCLUSION.

The inference that I wish to draw from the above facts is *not* that reform of the Poor Law is unnecessary to make it suitable to the requirements of the times,—but that no changes of the law will suffice, unless the law, as altered, is properly carried out by the Bodies administering it; and that no abolition of boards of Guardians or transfer of their powers and duties to other bodies will be sufficient, unless there is also a reform of the administration of the Poor Law Department of the Local Government Board. It is essential that there should be a supervising body, and that it should retain the powers of supervision and control over the Relieving Officers, or other officials who administer relief[1] (whether ordinary, medical, or by means of employment); but it is also necessary that such supervising body should faithfully carry out the Law, or at least should not use its influence to discourage local Bodies and local officers from carrying it into full effect.

Sir George Nicholls[2] in his great History of the Poor Law written in 1854 says :—

"It is accordingly an admitted maxim of social policy, that the first charge on land must always be the maintenance of the people reared upon it. This is the principle of the English Poor Law. Society exists for the preservation of property, but subject to the condition that the abundance of the few shall only be enjoyed by first making provision for the necessities of the many."

Any serious attempt to abolish or infringe on this principle will endanger our whole social system.

V. LIST OF ENCLOSURES.

1. Poor Law Officers' Journal of March 6, 1908, with account of surcharge for Relief in the Stow Union.
2. Letter of J. Theodore Dodd of March 8, 1908, to the Local Government Board with reference to surcharges for Relief in the Stow Union.
3. Poor Law Officers' Journal of March 8, 1908, with Question and Reply in House of Commons (May 4) as to Stow surcharges.
4. Poor Law Officers' Journal of May 29, 1908, with surcharge by Auditor in Houghton-le-Spring Union, and account of action by Local Government Board in another case, and remarks of Auditor.

I shall be glad to forward accounts of other cases of surcharge if desired. A further question has been asked as to Stow but I have not yet received the answer.

[1] This is in the interest both of the poor and of the public.

[2] "Late Poor Law Commissioner, and Secretary to the Poor Law Board."

VI. APPENDIX.

Account of an Attempted Surcharge.

I give here a brief account of an attempted surcharge in the present year in Solihull Union, which was given me by my brother, Rev. F. Sutton Dodd, Vicar of Yardley:—

"The case itself was one where we helped a widow and three small children, but there was also coming into the house the earnings of three more older children. These earnings were, in my opinion, only sufficient to keep the elder children themselves, and to pay their share of rent. Four more Guardians were surcharged with myself.

"We were cited to appear on the Tuesday at Sparkhill, to show cause why we should not be surcharged. It was our 'call over' at Tyseley, so I remained there, while the others went to Sparkhill. One of them, Mr. G., the Chairman of our District Council, acted as spokesman. He told the Auditor that they had come, not to get off paying the surcharge, but to know where they stood in Poor Law matters. The Auditor, after having spoken of this special case, said that he thought we ought to offer the House much more frequently than we did, as it would check applications. Other Unions, he said, offer the House, and find it very efficacious.

"He also said that we *gave* too many Medical Orders, and that many of them ought to be given on *loan*. Mr. G. told him that what would happen if we followed his advice would be, that in the first case the people would, some of them, be starved or pitch themselves into the canal, and, in the latter case, would not have any Doctor, and might, some of them, die, through want of Medical advice.

"Mr. G. asked whether the Auditor would take the responsibility, and the Auditor replied, 'No.' Mr. G. told the Auditor that if he had to carry out such hard rules, he would not remain a Guardian for ten minutes longer.

"The Auditor took off the surcharge, which, I am told, had been made at the instigation of his Clerk, though, of course, the Auditor was responsible; but one can easily see what would have happened if the surcharged Guardians had been easily intimidated. They would have come back, determined to carry out to the letter the Auditor's views. It seems to me, that, while the Local Government Board, with one hand, issue circulars telling us to give adequate relief, with the other hand, they try to stop that relief, through their officials. I never remember being surcharged during my whole 25 years' experience as a Guardian."

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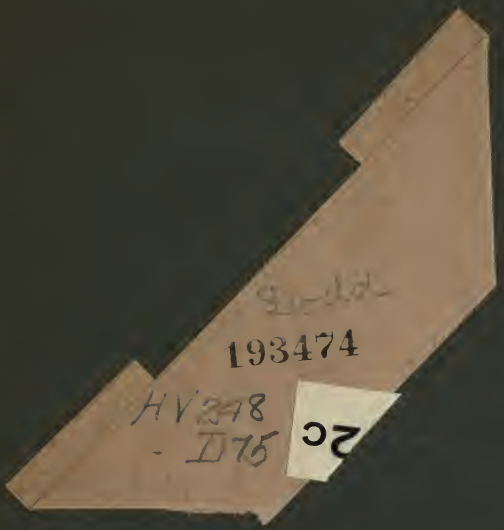
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